

Board of Selectmen's Minutes
February 15, 2007
Harpswell Town Office
Approved March 1, 2007

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Selectmen Present: Amy R. Haible, J. Katherine Chatterjee and Chairman Samuel W. Alexander

Staff Present: Kristi K. Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Jim Gordon, Recycling Center Manager; and Jim Hays, Harbormaster

Call to Order and Pledge of Allegiance: The meeting was called to order by Chairman Alexander at 6:30 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Alexander moved, seconded by Selectman Chatterjee to adopt the agenda as printed; motion passed 3-0.

2. Town Administrator's Report: Administrator Eiane stated that after yesterday's storm, the Town roads are in good condition thanks to the efforts of R.A. Webber and Crooker & Sons. Administrator Eiane announced that due to the storm, tax appeal hearings were canceled and rescheduled for February 28. She informed the Board that some applicants cannot attend the new date and questioned whether the Board would consider holding two meetings. The Board agreed that all three Selectmen should attend the meeting and it is preferred to hear all cases in one session. The Board will further discuss this issue at their Tuesday administrative meeting. Administrator Eiane reported that the Cumberland County Sheriff Department returned the 2001 Dodge truck to the Town and she recommended authorizing use of the truck for municipal purposes. Chairman Alexander moved, seconded by Selectman Haible to authorize use of the 2001 vehicle for municipal purposes and sell by public bid the 1998 Crown Victoria; motion passed 3-0.

3. Selectmen's Announcements: There were no announcements.

4. Old Business

- **Harpswell Festival Committee Request:** Selectman Chatterjee moved, seconded by Selectman Haible to remove this item from the table for discussion; motion passed 3-0. Robert McAleer stated the Committee's request is to name the garden at the entrance of Mitchell Field. Chairman Alexander stated the Board received a legal opinion and expressed that the Committee could place a rock with a plaque dedication without formally naming the garden. Selectman Haible stated she wanted this request on the warrant but she spoke with members of the public who indicated the rock dedication would be acceptable.
- **Harpswell Community Broadcasting Corporation (HCBC) Request:** Selectman Haible explained the Board received a legal opinion which confirms the Town's ownership of the television studio building. Selectman Chatterjee moved, seconded by Chairman Alexander to remove this item from the table for discussion; motion passed 3-0. Selectman Haible suggested after Town Meeting, the Board of Selectmen sit with HCBC Directors and discuss any open issues. Selectman Chatterjee agreed that the issue of Town ownership is clear. She suggested that it is time for the Town and HCBC to finalize a new agreement, which has been pending since July since that is the mechanism for which the Town subsidizes funds for HCBC's operation.

5. John Hodge Re: Brunswick Housing Authority: Mr. Hodge explained that Brunswick Housing Authority is proposing a 15-unit affordable housing project (Hamilton Place) on Route 123 and will seek approval before the Planning Board. The goal of the Brunswick Housing Authority is to create affordable housing for seniors, the disabled and working families. Based on the median income for a family of four (\$58,000), an affordable mortgage would be \$160,000. Mr. Hodge explained that Hamilton Place is estimated to cost \$3.2 million dollars and they are seeking federal and state funds to assist with the costs. Mr. Hodge

explained that a requirement for funding from the Maine State Housing Authority is for the project to be located within a growth zone. Mr. Hodge requested if there was any option available to have this parcel designated in a growth zone. There was a discussion with the Board and Mr. Hodge regarding whether the State could consider this project under the current ordinances, which do not contain any growth zones. Selectman Haible suggested the Board write a letter of support and make clear that the Town currently does not have growth zones in their ordinances (approved by the Maine State Planning Office) and therefore funding should not be withheld. Chairman Alexander stated the Board is not likely to generate a warrant article to add this area into a growth zone since the Committee worked hard on the proposed zoning and it is not appropriate to change at this late date. Mr. Hodge will further discuss his options with Maine State Housing Authority at a meeting on February 21, 2007.

6. 7:00 P.M. Public Hearing Regarding:

- **Harbor and Waterfront Amendments:** Jim Hays, Harbormaster, complimented the Committee for working on the proposed amendments to make it a more user friendly ordinance. Jim Hays stated there is an open seat on the Committee and encouraged anyone interested to contact the Town Office. Burr Taylor, Committee Chair, made a power point presentation highlighting the proposed ordinance changes and requests for additional changes. There was a discussion with the Board and Committee regarding the apparent loss of grandfathered moorings for non-conforming lots (less than 40,000 square feet in size and with less than 100 feet shore frontage) and whether the allowed number of moorings should be limited based on number of boats one owns or per household. Selectman Chatterjee stated the appeals process should be brought before the Committee first and then to the Board of Selectmen. Members of the public raised concerns regarding the point of access section, why a complete application is required annually, rental status of a mooring and occasional lending of a mooring for another's use. Selectman Chatterjee stated the Board would look into the issues raised and then make a decision about placing this item on the warrant.
- **Shellfish Ordinance Amendments:** George Lee Bradbury, Marine Warden, stated that a lot of work went into these proposed amendments last year and were now ready to move ahead to a vote. Selectman Chatterjee moved, seconded by Chairman Alexander to place the Shellfish Ordinance Amendments on the warrant; motion passed 3-0. Scott Moody, Chair of Marine Resource Committee, stated he was not involved with the student license proposal and he has reservations. Mr. Moody was concerned about issuing student licenses if there were large area closures which resulted in a reduction in the number of adult commercial licenses that could be issued. Mr. Moody was also concerned by the section that required commercial harvesters to become members of the Committee. Walter Ward explained that student licenses were suggested as a way to allow students to harvest legally with certain requirements. He further stated that it has been difficult to get volunteers for the Committee and perhaps requiring membership is necessary. Mr. Bradbury explained that the number of commercial licenses for this year should be at status quo according to Don Card (DMR Biologist). Weston Watts was concerned by the student license program because of the amount of area closures.
- **Enactment Emergency Management Ordinance:** Administrator Eiane described the purpose of this ordinance is to establish a procedure and authority for the declaration of an emergency. The ordinance includes establishing authority for evacuating areas of the Town, requiring an emergency plan (which the Town currently has) and allowing for an override of the purchasing policy in the event of an emergency. The Board requested changes including, adding a reference to the Town's existing emergency plan, adding sample proclamations for the declaration of an emergency and termination of one, and a time line for when the emergency plan must be updated. Chairman Alexander moved, seconded by Selectman Chatterjee to act on this item at the February 22 meeting; motion passed 3-0.
- **Solid waste Ordinance Amendments:** The Board requested changes including, clarifying the penalty section, eliminating the last sentence in section 6.4 since no entry is posted on the building itself and having Town Attorney review. Selectman Haible moved, seconded by Selectman Chatterjee to place

this item on the warrant with leaving section 9.1 (enforcement) alone but with making the other corrections; motion passed 3-0.

- **Tower Ordinance Amendment:** Andy Paulhus explained that a 200-foot tower by the scale house at the Transfer Station will not provide much coverage to the area and that the height of a tower is crucial. He reviewed printouts from a computer program that tested certain geographical sites which revealed that a 300-foot tower would provide better coverage. Mr. Paulhus explained that Tower Specialist would mount the emergency services at the top of a proposed tower which would be a real benefit to the Town. Mr. Paulhus stated the Cable Advisory Committee recommends a 300-foot tower. Chairman Alexander moved, seconded by Selectman Haible to place the proposed Wireless Communications Facilities Ordinance amendment on the warrant; motion passed 3-0.

7. Other Warrant Considerations Including:

- **Harbor and Waterfront Amendments:** Board to further discuss next meeting.
- **Emergency Management Ordinance:** Selectman Haible moved, seconded by Chairman Alexander to place this item on the warrant with the previously mentioned changes; motion passed 3-0.
- **Solid Waste Ordinance Amendments:** Board acted as noted above.
- **Tower Ordinance Amendment:** Board acted as noted above.
- **Military Redevelopment Zone:** Administrator Eiane stated the hearing for this item is scheduled for February 26 and explained the State passed the Military Redevelopment Zone as an incentive to get businesses into this area as a result of the BNAS (Brunswick Naval Air Station) closure. Administrator Eiane explained that it is prudent of the Town to set aside area in Mitchell Field where eligible businesses would be able to locate and qualify for State tax incentives. Selectman Haible stated that the Mitchell Field Committee is involved with the Military Redevelopment Zone discussion and that this will not divert the master planning process as this just provides an opportunity. Selectman Chatterjee moved, seconded by Selectman Haible to include the Military Redevelopment Zone on the warrant; motion passed 3-0.
- **Elected Officials Salaries & Travel:** Chairman Alexander read a memo from Administrator Eiane which summarized the highlights of the elected official salary survey study and suggested possible considerations. Selectman Chatterjee questioned whether the Road Commissioner and Treasurer positions should be considered in the future for appointed positions instead of elected. Selectman Haible stated that in her opinion, action on this survey should wait until the Town has a governance committee that can review all the information and associated issues. The Board agreed to further discuss this subject at their administrative meeting on Tuesday, February 20.
- **Other Articles for Consideration:** Administrator Eiane explained that this year's proposed warrant begins with the land use articles and then budget articles and noted that a few articles required action. Selectman Chatterjee moved, seconded by Selectman Haible to place article 7 (Shall an ordinance entitled "2007 Amendments to the Official Shoreland Zoning Map of the Town of Harpswell" be enacted, thereby repealing and completely replacing the current Official Shoreland Zoning Map with a single, town wide Official Zoning Map, such ordinance to be effective only if Article 6 is also enacted at the March 10, 2007 Town meeting?) on the warrant; motion passed 3-0. Selectman Haible moved, seconded by Selectman Chatterjee to increase the General Law Enforcement warrant amount to \$259,657; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Chatterjee to add the detailed Financial Statement section in article 46 to the warrant; motion passed 3-0. Selectman Haible moved, seconded by Chairman Alexander to place article 47 (To see if the Town will vote to raise and appropriate the sum of \$15,000 to hire an independent consultant to assess emergency services needs, particularly capital assets.) as revised on the warrant; motion passed 3-0. Selectman Chatterjee moved, seconded by Selectman Haible to place articles 48 (To see if the Town will vote to raise and appropriate the sum of \$135,000 for the purchase of a Brush Truck to be owned by the Town, such

amount to be held in an interest-bearing dedicated emergency services vehicle reserve account (separate from the Town's general fund) until such time as disbursement of payments is necessary, as determined by the Board of Selectmen.) and 49 (To see if the Town will vote to raise and appropriate the sum of \$135,000 for the purchase of a Brush Truck to be owned by the Town.) on the warrant; motion passed 3-0. Selectman Haible moved, seconded by Selectman Chatterjee to place article 56 (To see if the Town will vote to raise and appropriate the sum of \$6,000 for contracting services that relate to the monitoring, analysis and advocacy of proposed legislation at the State legislature.) as revised on the warrant; motion passed 3-0. Selectman Chatterjee moved, seconded by Chairman Alexander to place article 64 (To see if the Town will vote to authorize the Board of Selectmen to appropriate amounts not to exceed \$155,000 from Municipal Revenue Sharing, \$1,610,000 from non-property tax revenue, and \$240,000 of undesignated fund balance to reduce the tax commitment.) on the warrant; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Haible to place article 65 (To see if the Town will vote by written ballot to increase the property tax levy limit of \$1,935,913 established for Harpswell by State law in the event that the municipal budget approved under the preceding articles will result in a tax commitment that is greater than the property tax levy limit.) on the warrant; motion passed 3-0.

8. Authorization of the Warrant: Kristi Eiane, Town Administrator recommended approval of Warrant 8 and Payroll Warrant 8. Chairman Alexander moved, seconded by Selectman Haible to approve Payroll Warrant 8 in the amount of \$12,994.89; motion passed 3-0. Selectman Haible moved, seconded by Chairman Alexander to approve Warrant 8 in the amount of \$3,908.87 motion passed 3-0.

Chairman Alexander noted the Board received a legal opinion that states an existing Selectman serves until the newly elected Selectman is sworn in.

9. Approval of the Minutes: The Board made changes to the minutes. Chairman Alexander moved, seconded by Selectman Chatterjee to approve the February 8, 2007 minutes as amended; motion passed 3-0.

10. Public Comment: There were no public comments.

11. Adjournment: Selectman Chatterjee moved, seconded by Chairman Alexander to adjourn. The meeting was adjourned by unanimous vote at 9:00 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer